MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING JUNE 18, 2009 HOLIDAY INN RALEIGH NORTH 2805 HIGHWOODS BLVD. RALEIGH, NC 27604

BOARD MEMBER PRESENT

Richard Allen James Stevens
Berkley Blanks Mack Donaldson
Steve Johnson Sheriff Jenkins
David Grimes Ron Burris
Bill Booth David Pendry
Sheriff Ashe Brenda Bishop

Sally Pleasant

STAFF PRESENT

Terry Wright – Director Charles McDarris – Attorney
Larry Liggins – Field Services Supervisor Joyce McClure - Board Secretary
Tim Pressley – Training Officer Garcia Graham – Licensing

Assistant

GUEST PRESENT

David Arndt Larry Flannery David Shelton Sybil Richards Mike Grissom Jeff Cathcart Leroy Everhart Clarence Gooche Sandy Russell Bill Dover James Daniels Delmar Laury David Farrell Anne Lee Neil Mayzik Darion Dehnel Lee Alexander Bill Johnson

Lorin Mueller Val Matthews

Chairman Allen called the June 18, 2009 Private Protective Services Board meeting to order at 10:00 AM. Mr. Allen welcomed all guests and requested they introduce themselves. Mr. Allen requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics Law which addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, reported that the NCAPI Association was actively supporting the adoption of the 74C rewrite bill in the Legislature and their opposition of Senate Bill 9. The Association is currently planning their October Conference in Greensboro at the Doubletree Hotel.

APPROVAL OF THE APRIL 16, 2009 MEETING MINUTES:

MOTION BY MR. GRIMES TO ACCEPT THE MINUTES AS PRESENTED SECONDED BY MRS. BISHOP, MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday June 17, 2009 from 2:00 PM until 5:20 PM to review a total of 55 applications. One individual withdrew from consideration and seven applications were deferred. The remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mr. Pendry, Mrs. Pleasant, Sheriff Ashe and Mr. Blanks. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of April 14, 2009 through June 16, 2009. Total registrations 3,677; armed totals were 662 of which 247 were new, 372 were renewals and 43 reissue/dual. There was 1 new armed private investigator and 1 new private investigator associate. Unarmed totals were 3,013 which include 1,106 new, 1,768 renewals, 135 transfer, 3 duplicates and 1 reissues/dual. Total denials 567 of which 199 for cause and 368 for correctable. There were 423 applications approved which were previously denied for a total of 990 denials reviewed.

For the record, Mr. Stevens recused himself regarding Mr. Mayzik #27 on the Screening report and Mr. Grimes recused himself regarding Mr. Bleeker #3, Ms. Ward #54 and Mr. Wilson #55 on the Screening report .

MOTION BY MR. STEVENS TO ACCEPT THE SCREENING REPORT AND REGISTRATION REPORT. SECONDED BY JUDGE BURRIS, MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported the committee met on Wednesday June 18, 2009 from 8:00 AM until 12:55 PM. to hear a total of twelve cases. The committee members were Mr. Grimes, Mr. Stevens, Mr. Booth, Sheriff Jenkins and Mr. Donaldson. Mr. Grimes presented the attached report. (see attachment)

Mr. Booth recused himself on case 2009-PPS-009, Mrs. Pleasant from 2009-PPS-005 and Mr. Grimes on cases 2009-PPS031, 2009-PPS-031A.

MOTION BY JUDGE BURRIS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MRS. PLEASANT, MOTION CARRIED.

FINAL AGENCY DECISIONS - NONE

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday June 18, 2009 from 8:00 AM. until 8:50 AM. The committee members were Mr. Stevens, Mr. Johnson, Mr. Booth, Mr. Grimes, Mrs. Pleasant and Mr. Allen.

Mr. Pressley gave his report. The following trainer courses are scheduled: August 17-21, 2009, General Trainer Course. Wake Tech Community College (WTCC) August 21-25, 2009, Firearms Trainer Course, NCJA

The following PPS trainer courses have been completed: May 4-8, 2009, General Trainer Course, WTCC May 11, 2009, Firearms Trainer re-certification course, NCJA

Mr. Pressley reported on a letter received from Mr. E. Haupt regarding the extension of time from 90 days for firearms training armed renewals. Mr. Wright pointed out that the rule .0807 extending the timeframe to 180 days went into effect June 1, 2009. It was also noted that if the applicant fails to qualify, they are allowed to work unarmed.

Mr. Pressley gave the PPS Firearms Discharge Report for the period of January 2008 to May 2009 noting that the discharges have been reduced in frequency and amount from the last report made to the Board approximately a year ago.

Mr. Stevens went on record to amend the rule 12 NCAC 7D .1302 regarding Continuing Education credits earned per renewal period for attendance at Board meetings. The

amendment will allow one credit hour per meeting with a maximum of two meetings per year and no more than four credit hours per renewal period.

MOTION BY JUDGE BURRIS TO MOVE FORWARD TO AMEND AS DESCRIBED, SECONDED BY MRS. PLEASANT, MOTION CARRIED.

Mr. Stevens discussed the Continuing Education process. The requirements will begin in January 2010 to give everyone the opportunity to present the completion of the credits for the year starting January 2012. This allows a full two years to accumulate the requirements of 12 Continuing Education Credit hours. He also discussed the manner in which to apply for the funding of courses.

MOTION BY MR. JOHNSON TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. SECONDED BY MR. BOOTH, MOTION CARRIED.

<u>GRIEVANCE COMMITTEE REPORT</u> - NONE

SCREENING COMMITTEE REPORT - NONE

<u>DIGITAL FORENSICS COMMITTEE</u> – NONE

OUT OF STATE CRIMINAL RECORD CHECKS -

Mr. Donaldson turned this report over to Mr. McDarris to explain the process that the Committee had researched. Mr. McDarris explained that the North Carolina Real Estate Commission has a process in place that they have used for several years. The Real Estate Commission has established a bid process for third party vendors, they engage the sole vendor for a period of two years and all out of state criminal record checks are processed through this vendor. All out of state applicants **must** go through this vendor, in state may also utilize this vendor but will not be required to do so. The third party vendor will have payment requirements with the maximum amount they can charge.

The Request for Information will be an appointment with the vendor and no contract with the State. The RFI vendor will mimic the Real Estate Commission's process.

MOTION BY MR. BOOTH FOR THE BOARD TO AUTHORIZE STAFF TO REVIEW THE RFI PROCESS AND IDENTIFY PROSPECTIVE COMPANIES AND REPORT BACK TO THE BOARD. SECONDED BY MRS. PLEASANT, MOTION CARRIED.

74C RE-WRITE COMMITTEE:

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Judge Burris stated that the bill has been introduced by both the House and the Senate. There was a lengthy discussion regarding the Digital Forensics and Proprietary armed licenses at establishments that sell alcohol. The final action for the both the House and

Senate was to exclude both of these issues. The Proprietary issue can be resumed at a later date. There is a movement for a National Certification for Digital Forensics that will eliminate licensing at a state level.

Judge Burris does not anticipate any action on the bill until the Budget issue has been resolved.

Judge Burris went on record to acknowledge the assistance from Representative Pryor Gibson, Senator Snow and Senator Purcell for their support of this bill.

Mr. Blanks and Mrs. Bishop went on record to thank Judge Burris for his efforts with the bill.

FINANCE COMMITTEE: NONE

OLD BUSINESS - ALLIEDBARTON SECURITY SERVICES AUDIT

After reviewing the history of this complaint, Mr. Liggins presented the final audit to the Board.

MOTION BY MR. BLANKS THAT ALLIEDBARTON SECURITY SERVICES ENTER INTO A CONSENT OF \$1,531.20 FOR FIVE REGISTRATION VIOLATIONS. SECONDED BY MRS. BISHOP, MOTION CARRIED.

Mr. Allen stated that Mr. Johnson has agreed to work with Staff to streamline the registration process.

Mr. Allen addressed the issue of no current activity with the 74C Re-Write Committee and an adjustment of the schedule for the meetings.

MOTION BY MR. BLANKS TO START THE TRAINING AND EDUCATION COMMITTEE MEETINGS AT 8:00 AM AND THE BOARD MEETING TO CONVENE AT 9:00 AM. SECONDED BY MR. BOOTH, MOTION CARRIED.

The discussion of investigating anonymous complaints was addressed by Mr. Wright. Mr. Booth suggested the complaints be pursued if confidential versus anonymous. Mr. McDarris stated that the North Carolina Public Records Act will not allow Confidential. The current policy on anonymous complaints is to investigate if there is a risk to Public Health, Safety or Welfare.

MOTION BY JUDGE BURRIS TO CONTINUE THE CURRENT POLICY AND PRACTICE TO ACCEPT ANONYMOUS COMPLAINTS AND INVESTIGATE ONLY THOSE THAT CREATE A RISK TO PUBLIC HEALTH, SAFETY OR WELFARE. SECONDED BY SHERIFF JENKINS, MR. GRIMES RECUSED HIMSELF, MOTION CARRIED.

NEW BUSINESS: - NONE

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of 05/01/09 we have \$331,995.48, the Recovery fund is \$56,850.54 and the Education Fund is \$40,567.00. As of 06/15/09 we have a total of 11,533 PPS registrations, 1,710 licenses, 583 certifications, one endorsement for a total of 13,827 for PPS.

MOTION TO ACCEPT THE DIRECTOR'S REPORT BY MR. DONALDSON. SECONDED BY MR. BLANKS. MOTION CARRIED.

ATTORNEY'S REPORT:

Mr. McDarris reported that all Consents are current with the exception of Thorpe Building Services that is currently not doing business in the state. Mr. McDarris recommended closing the Consent and reopen if they apply for a license.

MOTION BY JUDGE BURRIS TO CLOSE THE CASE, SECONDED BY MRS. BISHOP, MOTION CARRIED.

The attached Hearing List is current with the exception of one hearing set for Special Setting for both Richard Lee Powers Jr. and Sr. during the month of July. The following rules were reviewed 12NCAC 7D .0109

MOTION BY SHERIFF ASHE TO ADOPT AND SEND TO RULES REVIEW. SECONDED BY MR. BOOTH, MOTION CARRIED

 $12\ NCAC\ 07D\ sections\ .0112;\ .0402;\ .0501;\ .0806\ Mr.$ McDarris to pursue this with RRC . $12\ NCAC\ 07D.0203$ is on hold, sections .0707; .0807; .0809 have been approved by Rules Review.

MOTION BY MR. JOHNSON TO APPROVE MOVING FORWARD WITH RULES 12NCAC7D .0807 AND .0904 AMENDMENTS, SECONDED BY MR. BOOTH, MOTION CARRIED.

12NCAC7D .0404 was drafted by Mr. McDarris for the Board's consideration. Mr. Allen recommended that Mr. Booth work with Mr. McDarris on the wording of this rule and bring it back to the Board.

Mr. McDarris attached 12NCAC7D .405 to his report and stated that he requires an updated diagram with the correct language. Monty Clark is to supply the updated diagram.

MOTION BY MR. BOOTH TO MAKE THE APPROPRIATE CHANGES AND SEND ON FOR PUBLICATION. SECONDED BY SHERIFF ASHE, MOTION CARRIED.

Mr. McDarris submitted a proposal from the Attorney for Richard Lee Powers Jr. and Richard Lee Powers Sr. for the Board's consideration.

MOTION BY MR. BLANKS TO REJECT THE PROPOSAL, SECONDED BY MR. STEVENS, MOTION CARRIED.

Mr. McDarris submitted his Retainer Agreement for Board approval.

MOTION BY MR. PENDRY TO ACCEPT THE AGREEMENT, SECONDED BY MR. JOHNSON, MOTION CARRIED.

MOTION BY MR. BOOTH TO ADJOURN, SECONDED BY MRS. BISHOP. MOTION CARRIED.

12:00 PM Adjourned.

Terry M. Wrigh	t, Director